

### REMARKS

This Response is submitted in reply to the Office Action mailed on March 6, 2008.

The Office Action is, in part, a restriction requirement. In this regard, restriction is required between nine alleged groups of invention: Group I (Claims 1-6); Group II (Claim 7); Group III (Claim 8); Group IV (Claims 9-10); Group V (Claim 11); Group VI (Claim 12); Group VII (Claim 13); Group VIII (Claim 14); and Group IX (Claims 15-20). In response, Applicants elect, without traverse, Group I (Claims 1-6) drawn to a product.


In addition, the Patent Office requires Applicants to elect a species of protein and a species of polysaccharide. These species are, according to the Patent Office, set forth in Claims 3 and 5 respectively. Applicants elect, for protein, whey protein and for the polysaccharide, acacia gum.

Applicants reserve the right to file one or more divisional applications to the non-elected inventions and/or claims.

Applicants also note that the Patent Office states that Claims 1 and 6-20 are generic and Claims 2 and 4 are subgenera. Applicants respectfully disagree and submit that all of the claims are generic with respect to the species and that clearly Claims 1-6 are generic.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 02-1818.

Respectfully submitted,  
BELL, BOYD & LLOYD LLP

BY   
Robert M. Barrett  
Reg. No. 30,142  
Customer No.: 29157

Dated: August 1, 2008